

Congress of the United States
Washington, DC 20510

September 21, 2021

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Notice of Proposed Rulemaking, Phasedown of Hydrofluorocarbons
Docket ID No. EPA-HQ-OAR-2021-0044

Dear Administrator Regan:

We write to you today regarding the American Innovation and Manufacturing (AIM) Act and EPA's subsequent proposed rule. This legislation authorized the Environmental Protection Agency (EPA) to phasedown the production and consumption of hydrofluorocarbons (HFCs).

However, it has come to our attention EPA's proposed rule to implement the AIM Act includes an unwarranted ban on the non-refillable cylinders that hold HFCs. There is no provision in the AIM Act that directs EPA to ban cylinders and, in the proposed rule, EPA has not explained how or why a ban could be justified under the statutory authorities granted to the agency through the AIM Act. Prior to consideration of any restrictions on cylinders, EPA must engage with stakeholders and Congress since the proposed rule, as written, would lead to the loss of as many as 90 jobs in Kentucky as well as more than 400 in Ohio and undermine our nation's economic competitiveness.¹

Our constituents from Worthington Industries, whose employees would face the negative repercussions of this rule, have informed us the data relied on for the rule incorrectly claims the cylinders have a 5 percent heel when CARB (California Air Resources Board) and other sources say it is much lower at 1.2 to 3 percent. Under the current proposed ban, heating, ventilation, air conditioning, and refrigeration (HVACR) businesses would be forced to buy and import heavier, refillable containers from overseas, which would be counterproductive to the goal of reducing greenhouse gases. Manufacturers in foreign countries, such as China, lack stringent and rigorously enforced environmental standards. It is also important to note the data suggest it will take four of these refillable cylinders to replace every one non-refillable cylinder.

If the cylinder ban were finalized, it would cause significant economic damage and job loss in Paducah, Kentucky, as well as additional jobs in Ohio.² Such a ban would damage American competitiveness with overseas manufacturers. This is counter to congressional intent in the AIM Act, worker safety, economic stability, and the bipartisan consensus among federal policy makers that domestic manufacturing should have an even playing field both domestically and as our companies compete in a global marketplace.

We request that EPA withdraw its proposed cylinder ban as it works to finalize the initial round of implementing regulations for the AIM Act. We look forward to hearing what steps EPA will be taking to ensure that the AIM Act is being implemented in accordance with the law, as enacted.

Sincerely,

¹ Congresswoman Beatty, Congressman Ryan, Senator Portman. "Letter Concerning Proposed Rules on Phasedown of Hydrofluorocarbons." Received by Administrator Regan and acting Administrator Young, 17 Sept. 2021.

² *ibid*



Mitch McConnell
Republican Leader
U.S. Senator



Rand Paul
U.S. Senator



James Comer
U.S. Member of Congress